REMARKS

Claims 1-7 are pending and rejected; and claims 8-22 are withdrawn in this application. Claim 1 is amended; and claims 23-26 are added hereby. Claims 23-26 have been added to further protect Applicants' valuable intellectual property rights relative to the present invention.

Responsive to the rejection of claims 1-7 under 35 U.S.C. § 112, first paragraph, Applicants respectfully traverse the rejection and state that claims 1-7 do contain subject matter that is described in the specification and is claimed in such a way as to enable one skilled in the art to make and/or use the invention.

The reasoning related to the rejection of claim 1 indicates that there is always a stimulation applied to the animal. However, this is not what claim 1 indicates. Claim 1 includes a limitation of applying a stimulation to the animal and that the stimulation is associated with the stimulation level. There is no requirement that the stimulation be continuous as implied by the Examiner. Further, it is not a requirement of claiming an invention to include each an every element of the specification but rather sufficient elements to describe the invention. The determining of a stimulation level is separate from applying the stimulation at the predetermined stimulation level as described as a part of Applicants' invention. This is further illustrated in Figs. 2 and 3 which distinguish between an applied stimulation and a stimulation level. As can be seen in Fig. 2, an applied stimulation is applied at certain times and not applied at other times and in each case the level that is applied during those times is dependent upon the predetermined stimulation level as shown in Fig. 3. For the foregoing reasons, Applicants submit that claims 1-7 do contain subject matter that is described in the specification and is claimed in such a way as to enable one skilled in the art to make and/or use the invention. Accordingly, Applicants respectfully request that the rejection of claims 1-7 be withdrawn.

Responsive to the rejection of claims 1, 2 and 5-7 under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 6,668,760 (Groh et al.), Applicants have amended claim 1 and submit that claims 1, 2 and 5-7 are now in condition for allowance.

Groh et al. disclose a spray control anti-bark collar (Fig. 4) including a progressively increasing spray deterrent designed to discourage barking using the minimum amount of spray necessary to achieve the desired deterrent effect. The spray deterrent begins with a minimal dose of the substance applied to the dog in response to a bark. The dosages are controlled by the duration of the spray application. However, other methods of controlling the intensity of the spray deterrent can include changing the flow rate of the deterrent substance so as to increase the application amount applied during a fixed period. The intensity of each subsequent stimulus is greater than the preceding stimulus as shown by longer durations of the spray deterrent control signal in Fig. 6. The intensity of a given stimulus can be reduced from or remain constant with the intensity of the preceding stimulus. The length of time between previous events and the next subsequent event can determine whether the intensity is increased or remains constant. The system can be reset to a base line deterrent that is established for a particular animal by analyzing historical information as to the effective intensity level (column 7, line 28 through column 8, line 33).

In contrast, claim 1 as amended, recites in part:

> setting said current stimulation level to said minimum level dependent on a triggering event.

(Emphasis added). Applicants submit that such an invention is neither taught, disclosed nor suggested by Groh et al. or any of the other cited references, alone or in combination, and includes distinct advantages thereover.

Groh et al. disclose a spray control anti-bark collar having a progressively increasing spray deterrent. A changing of intensity includes changing a flow rate and/or the total amount of

application during a fixed period of time. The system of Groh et al. can be reset to a baseline deterrent by analyzing historical information as to the effective intensity level. The setting of the current stimulation level of Applicants' invention to a minimum level is prompted by a triggering event. This triggering event is further defined in dependent claims 23-26. The disclosure of Groh et al. outlines an analysis of historical information and does not disclose setting the level to a minimum level subject to a triggering event. The analysis of historical information is a task that may or may not be completed, and even if it is completed it is not a triggering event causing the intensity level of a stimulation level to be reset. Therefore, Groh et al. and any of the other cited references, alone or in combination, fail to disclose, teach or suggest the step of setting a current stimulation level to the minimum level dependent on a triggering event, as recited in claim 1.

Applicants' invention has distinct advantages over the cited reference, in that a triggering event, such as changing a battery in a collar resets the current stimulation level to the minimum level, thereby allowing an automatic reset of the stimulation level so that the collar can be used on another animal. Yet another advantage of the present invention is that the triggering event may be recharging the battery or a manual activation, either of which allow the collar to be placed back into its original activation state. Accordingly, Applicants submit that claim 1, and claims 2 and 5-7 depending therefrom, are now in condition for allowance, which is hereby respectfully requested.

Responsive to the rejection of claims 1, 2, 4 and 7 under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,425,330 (Touchton et al.), Applicants have amended claim 1 and submit that claims 1, 2, 4 and 7 are now in condition for allowance.

Touchton et al. disclose an animal control device (Figs. 1-3) including audible and electrical stimulation components. When an authentic signal is detected by the controller, the type of stimulation to be applied to the animal is selected according to a selected combination, or

sequence of audible and electrical stimuli appropriate to the particular animal to be controlled. The controller can record the number or duration of stimuli provided to the animal so that the controller may cease stimulation if the selected maximum number of stimulations has been applied while an authentic signal is present. The control sequence and/or stimulation sequence may be changed by the user in response to such data (column 2, lines 36-53).

In contrast, claim 1 as amended, recites in part:

> setting said current stimulation level to said minimum level dependent on a triggering event.

(Emphasis added). Applicants submit that such an invention is neither taught, disclosed nor suggested by Touchton et al. or any of the other cited references, alone or in combination, and includes distinct advantages thereover.

Touchton et al. disclose an animal control device having a selected stimulation or sequence of audible electrical stimuli which limits the number of stimulations to a maximum number while authentic signal is present. In contrast, Applicants' invention includes a stimulation device having a plurality of stimulation levels including a minimum level with the stimulation level being modified based upon compliant or non-compliant behavior of the animal. If a current level of stimulation exists due to prior non-compliant behavior of the animal the stimulation level may be reduced upon the determination of compliant behavior of the animal. If the animal becomes non-compliant then a stimulation is applied to the animal based upon the current stimulation level. The current stimulation level is reset to a minimum level dependent upon a triggering event. Touchton et al. teaches a controlling of the sequence by the user in response to data that is stored by the controller of the stimulation device. Therefore, Touchton et al. and any of the other cited references fail to disclose, teach or suggest the step of setting the current stimulation level to the minimum level dependent upon a triggering event, as recited in claim 1.

Applicants' invention has distinct advantages over the cited reference, in that a triggering event, such as changing a battery in a collar resets the current stimulation level to the minimum level, thereby allowing an automatic reset of the stimulation level if the collar is to be used on another animal. Yet another advantage of the present invention is that the triggering event may be recharging the battery or a manual activation, either of which allow the collar to be placed back into its original activation state. Accordingly, Applicants submit that claim 1, and claims 2, 4 and 7 depending therefrom, are now in condition for allowance, which is hereby respectfully requested.

Claim 3 has been rejected under 35 U.S.C. § 103 as being unpatentable over Groh et al. However, claim 3 depends from claim 1, and claim 1 has been placed in condition for allowance for the reasons given above. Accordingly, Applicants submit that claim 3 is now in condition for allowance, which is hereby respectfully requested.

For the foregoing reasons, Applicants submit that the pending claims are definite and do particularly point out and distinctly claim the subject matter which Applicants regard as the invention. Moreover, Applicants submit that no combination of the cited references teaches, discloses or suggests the subject matter of the amended claims. The pending claims are therefore in condition for allowance, and Applicants respectfully request withdrawal of all rejections and allowance of the claims.

In the event Applicants have overlooked the need for an extension of time, an additional extension of time, payment of fee, or additional payment of fee, Applicants hereby conditionally petition therefor and authorize that any charges be made to Deposit Account No. 20-0095, TAYLOR & AUST, P.C.

Should any question concerning any of the foregoing arise, the Examiner is invited to telephone the undersigned at (260) 897-3400.

Respectfully submitted,

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CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: MS Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on: June 8, 2006.

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